



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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August 6, 2008

Honorable William H. Pauley III  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street, Rm. 2210  
New York, New York 10007

Re: McClain v. Nelson, et al. (08-cv-5631) (WHP) (Pro Se)

Dear Judge Pauley:

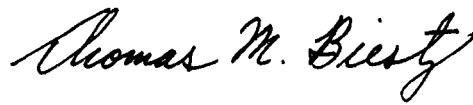
The Office of the Attorney General of the State of New York represents Corrections Officers Acker, Larsen, Nelson and Vito ( the "Defendants") in the above-referenced matter. I write to request an extension of time by which Defendants must move or answer with respect to the complaint from August 11, 2008 to and including October 3, 2008. This is the Defendants first request for an extension of time. Plaintiff, pro se, has not been contacted for his consent as he is presently incarcerated.

Upon information and belief, defendant Corrections Officer Rokitowski has not been served with the summons and complaint and has not requested representation by this Office pursuant to New York Public Officers Law Section 17. If Officer Rokitowski is served, however, it is respectfully requested that he be granted the same adjournment.

An extension of time is necessary, in the interest of efficiency, for the remaining defendant to be served and for the defendants to submit a joint motion or answer. In addition, the additional time will allow this office to obtain the necessary files and documents, investigate the facts, research applicable law and draft responsive papers.

Wherefore, it is respectfully requested that Defendants' request for an extension to move or answer with respect to the complaint to and including October 3, 2008 be granted.

Respectfully submitted,



THOMAS M. BIESTY  
Assistant Attorney General

cc: Mr. Forrest T. McClain, Jr.  
(Via first class mail)

*Application Granted.*

SO ORDERED:

  
WILLIAM H. PAULEY III U.S.D.J.

*8/11/08*